

§ 1118.4 Appeals.

(a) *Standing to appeal.* Appeals of the decisions of the employee boards subject to this part and replies to appeals may be filed by any person.

(b) *Number of copies.* The original and 10 copies of each pleading or paper permitted or required to be filed under this section should be furnished for the use of the Commission.

(c) *Time for filing.* Except as provided in paragraph (e) of this section with respect to matters involving emergency temporary authority, appeals in proceedings governed by this part must be filed within 20 days after the date of service of the decision.

(d) *Where filed.* Appeals and replies to appeals of Regional Motor Carrier Board temporary authority (TA) and emergency temporary authority (ETA) application decisions must be filed with the Regional Office in which the application was filed [see §§1162.6 (d) and (e)]. Appeals and replies to appeals of all other decisions issued by employee boards must be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423.

(e) *Appeals in emergency temporary authority proceedings.* An applicant seeking reconsideration of a decision concerning emergency temporary authority must file a petition within 20 days after it is notified of the decision on the application. Any other interested person seeking reconsideration of a decision granting emergency temporary authority may file a petition at any time during the life of the authority. Replies may be filed within 15 days after the filing of the petition. Pleadings must be served on all parties of record.

(f) *Appeals in valuation proceedings.* An appeal of a tentative valuation must contain precise references to the matters objected to and must include a statement of the changes in the valuation desired by the appellant. When practicable, each object of appeal should be set up as a separately numbered item. An appeal against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When appellant claims that property owned or used has been omitted, a full

description of the property and its location must be included.

(g) *Decisions on appeal.* An appeal from an employee board's initial decision in a matter subject to this part will be reviewed by the board which may elect to modify its decision in light of new facts or arguments presented on appeal. If the board elects not to modify its prior decision, the appeal will be forwarded to the appropriate appellate body for determination. If a modified decision is issued by the board, a further appeal lies under this part. A decision on appeal by an appellate body is administratively final.

(49 U.S.C. 10321 and 10928; 5 U.S.C. 559)

[47 FR 49569, Nov. 1, 1982, as amended at 48 FR 13047, Mar. 29, 1983; 48 FR 51628, Nov. 10, 1983; 53 FR 19301, May 27, 1988; 57 FR 9213, Mar. 17, 1992]

PART 1119—COMPLIANCE WITH COMMISSION DECISIONS

AUTHORITY: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1119.1 Compliance.

A defendant or respondent directed by the Commission to do or desist from doing a particular thing must notify the Commission on or before the compliance date specified in the decision of the manner of compliance. Notification should be by verified affidavit showing simultaneous service upon all parties to the proceeding. Where a change in rates or schedules is directed, notification specifying the Interstate Commerce Commission tariff or schedule numbers must be given in addition to the filing of proper tariffs or schedules.

[47 FR 49570, Nov. 1, 1982]

PART 1120—USE OF 1977–1978 STUDY OF MOTOR CARRIER PLATFORM HANDLING FACTORS

AUTHORITY: 49 U.S.C. 10321, 10701, and 10706.

§ 1120.1 Scope.

The provisions of this part apply only to Class I and II motor common carriers of general freight subject to accounting instruction number 27 of the